

Request for Higher Level Review: Michael J. Walker, FY 2013

Consistent with the procedures established to administer the Senior Executive Service Performance Appraisal and Recognition System, I am seeking higher level review of my rating for "Results Driven." I am only requesting that the rating of Effective for Results Driven be raised to Commendable.

As the Director of the National Enforcement Training Institute in the Office of Enforcement and Compliance Assurance, I faced substantial management and operational challenges in FY 2013, as we terminated a costly and out dated, contractor-supported online training system and moved to an Adobe Connect based e-Learning system. Despite the loss of three staff, including my deputy, who were not replaced, I moved to implement this new system, working to learn the technical and operational parameters and develop e-learning courses with personnel from other offices who did not report me. Using staff with minimal background in e technology and limited contractor support, the new NETI e-learning management system successfully came on line in time to serve the needs of federal, state, local and tribal personnel, particularly inspectors who needed to refresh their field credential re-certification.

Designing and developing e-Learning courses had never been done in OECA or NETI and this work, while some times technically limited, occupied an enormous amount of time and energy for me and the staff in the NETI office, which is the smallest unit in the Office of Compliance. Despite managing the day-to-day institutional focus on e-Learning, as the responsible manager and executive, as I continued to lead the effort to maintain a results-oriented, high performing training operation, from classroom-orientated training to e-Learning, I led the efforts to produce over 90 enforcement training broadcast webinars for the enforcement legal and compliance monitoring community. Significantly, I organized and presented more than 40 myself as principal faculty. As a results-oriented manager, I lead by example. Many of these programs I led were approved for Continuing Legal Education credit by over 30 state bar associations. The metric for a rating of "Commendable" is that "results achieved clearly exceed what could be reasonably be expected" and "exemplifies or models practices and approaches that represent the SES ideal." Where budgets are drained and training staff is non-existent to "manage," I stepped into deliver 40 high quality enforcement training programs consistently throughout the rating period, keeping our shareholders and customers in training as we built the e-Learning Center. As an adjunct professor of law in three law schools, I maintain a level of program and regulatory expertise that clearly exceeds what could reasonably be expected. Accordingly, as budgets shrink, I have filled this important training void in addition to my management and leadership responsibilities.

Also during the rating period, I recruited, evaluated, hired and managed a corps of over 225 law clerks and interns, representing more than 60 academic institutions and over 90 mentors. This is the largest number of law clerks and college students ever recruited by any EPA office, more than 20 x the number recruited by OGC and larger than any other federal agency program, including the Department of Justice. The quality and academic achievements of many of the students recruited is notable, given the fact that I was not able to offer any paid positions to any student. This volunteer

Army contributed more than 35,000 hours of uncompensated time to OECA and other Agency offices, such as OARM, the EAB, OCSPP, OITA and Office of Children's Health Protection, which hosted law clerks that I recruited and hired. Of this corps of students, seven were veterans and thirteen were law students with disabilities. The metric for a rating of Commendable is that "results achieved clearly exceed what could be reasonably be expected" and the executive "exemplifies or model practices and approaches that represent the SES ideal." Again, with no money and no budget, I built a program that received much praise from the managers and staff who benefitted substantially from the influx of talent and enthusiasm from these law clerks and college students. My personal efforts to network with Deans and faculty of top national law schools as well as managers throughout EPA: the EAB, OITA, OARM, Children's Health Office and OCSPP exemplify the ideal of a results-oriented manager-leader.

I believe the work identified above failed to receive adequate consideration by OECA senior management during the rating process and respectfully request that the rating be changed to Commendable.

SELF APPRAISAL: MIKE WALKER, FY 2013

Last October, I identified a number of critical actions, objectives and/or results that I expected to accomplish during the 2013 performance evaluation year. Although it has been difficult to maintain my energy and enthusiasm for work in an era of substantially diminished resources and little visibility and recognition for my contributions to EPA, I take pride in my achievements here and outside the Agency that are personally fulfilling.

I believe that I have successfully fulfilled each commitment identified through the critical job elements, measurable objectives and requirements in my performance agreement. To comprehensively evaluate my accomplishments, I have prepared a list at the end of this appraisal, enumerating each commitment as a "goal."

To the extent that my job description and duties allow, my work has served to support elements of EPA's strategic planning and OECA's performance goals and objectives.

RESULTS DRIVEN

As required in my standards, I have implemented a number of strategies and techniques to transform the NETI into a high and *higher* performing organization. NETI, with new, fully engaged staff, has implemented a new e-LMS. Training and mentoring of staff in the implementation of the new e-LMS was purchased and delivered. Over a period of years, I led NETI's efforts to transform traditional core classroom training into an "e-university" of web based and webinar training. This

year, 99 training webinars were provided. On-line, e-Learning courses have been developed and posted on the e-LMS. Under my direction, efforts were made to advertise web based platforms for new enforcement training initiatives, to and to support other OC and OECA offices seeking to implement training. Much training was done at very low cost through the e-learning systems.

Proposed Rating: Commendable

BUSINESS ACUMEN

As required by my standards, I implemented strategies to promote maximum results through e-government, reduced cost expenditures for training and maximizing the use of in-house training talent. These strategies stem from results-driven strategies I learned from highly effective organizations training. Selecting and implementing the new eLMS and building and re-building enforcement "e" courses allowed NETI to retire the costly and outdated NETIONLINE system, saving resources and promoting greater efficiency, effectiveness and results.

I led the efforts to partner with the Office of Children's Health Protection, Region 2, 5, and 6 to promote "e" learning training by providing significant webinar support for these training efforts. Several courses organized with the Office of Children's Health had more than 1,000 participants. I also went to Dallas, at the Region's request, to personally deliver the definitive session on inspection warrants and access authorities, for 300 pre-treatment personnel from six states. This session received some of the highest ratings by course attendees. My efforts to support and lead the effective implementation of NETI's e-university web based training, to provide web based platforms for new enforcement training initiatives and other OC and OECA offices seeking to implement training, in an efficient, low cost manner have begun to be realized. Finally, I have personally recruited, identified and hired over 226 law clerks and college students for OECA and several other EPA offices, such as the Office of International Activities and Tribal Affairs, Office of Suspension and Debarment, Congressional Affairs and Office of Chemical Safety and Pollution Prevention. All students under my direction worked without compensation. Together these law clerks have provided over 25,000 hours of support for EPA programs and activities.

Proposed Rating: Commendable.

LEADING CHANGE

Since being appointed the Director of NETI, I have supervised the transformation of the organization from a limited classroom-training, room reservation operation to an innovative e-learning operation focused on web-based and webinar training. For some staff in NETI, change was very difficult. Others were led to change over time, others

resisted and resented change. With management support, NETI personnel have changed or were replaced. Leading this effort has been complicated by severe reductions in FTE, including the loss of both the Deputy Director of NETI and the Associate Director, with no prospect for relief. Even our SEE employee who handled NETI training room reservations and escorted students without identification badges was let go. Keeping morale high among the remaining staff is challenging. This year one staff member told me she had to “leave to find another job, that the prospect for advancement was limited” and left. I have sought to implement strategies and techniques that recognize and required the contributions of NETI staff, as well as thoughts personnel in the other OC offices that we interact with daily as we seek to implement the new Adobe Connect ve-learning system, to the Shared Service Centers and Personal Security Division who are helping to foster effective change. Our efforts to fully embrace e-government, reduced cost expenditures for training and maximizing the use of in-house training talent at a time of reduced travel and operational budgets require constant team building and outreach. Yes we can. Not, no we can’t have been my operating mantra.

Proposed Rating: Commendable.

LEADING PEOPLE

I was rated “*needs improvement*” in this category for Performance Year 2011.

This rating was in recognition of some intractable personnel issues arising during my leadership of NETI during the rating period. As a 21 year member of the Senior Executive Service, it was with great humiliation that I saw my rating posted on an Agency-wide chart as the lowest rating of the entire SES Corps. With the support of my management and a professional job coach, I confronted more than 200 confidential “observations” that peers and others made to the job coach. This list became my template to improve my behavior and strategies in the way I indentify with and lead people. I adopted and implemented model positive leadership skills with existing and new NETI employees. By taking the “needs improvement” rating to heart, implementing and exhibiting measured and positive changes, including metrics for changing the outlook and work culture for NETI staff, I have been able to forge a small but effective team of self-directed, cooperative professionals, maximizing the outputs and success stories for this small by vital workforce. I reestablished regular office meetings, enhanced my abilities to engage in all facets of NETI activities, organized two introspective planning retreats, and provided for suitable recognition and required on a consistent, often weekly basis.

With the law clerk program and organizational challenges and barriers faced with the Personal Security Office, CTS, other managers and mentors, I was tried to model

management and leadership behaviors to further maximize the value that these law clerks bring to our larger operation: the ability for subordinate staff to learn to delegate and manage; to learn how to direct and shape the work flow of a subordinate and to learn from the students, their facility with improvements in legal research and technology that can benefit our larger organization.

Proposed Rating: Commendable.

EEOC

I continue to demonstrate a tangible and personal commitment to equal opportunity, including the identification and fulfillment of specific action items for OECA as referenced in the MD 715 EEO commitment, such as outreach to minority academic institutions; and recruitment of law clerks with disabilities and veterans. I have served as the Special Emphasis Program Manager for Persons with Disabilities for all of OECA as well as on the OC Diversity Committee. During FY 2013, I personally recruited and hired 13 law clerks with disabilities and 7 veterans.

I have done considerable outreach to Minority Academic Institutions, including the University of the District of Columbia, Howard University School of Law, Southern University School of Law and Morgan State University. Each quarter, I have completed listing of my activities and work for OECA's submission to the Office of the Administrator.

Through my work within NETI, where I personally did 5 webinar presentations on environmental justice topics and 3 presentations on Charles Hamilton Houston and his civil rights work, I seek to foster inclusion, understanding and fulfillment in the workplace.

Proposed Rating: Commendable

PERFORMANCE ELEMENTS: Critical Job Elements, Objectives, and Performance Requirements:

RESULTS DRIVEN:

Goal: To implement techniques from high performing organizations; DONE/Ongoing., example all staff cross-trained to run webinars, develop e-learning courses, run equipment.

Goal: To select & foster a new learning management system to replace NETIONLINE: DONE

Goal: To replace NETI-On-Line; DONE. Contract terminated on 1.21.2013, saving annually over \$125,000; was \$300,000 per year when I joined NETI.

Goal: To implement web based training to save travel funds and reduce carbon foot print; DONE, 99 webinars completed in rating period.

Goal: To assist in training state enforcement partners through grant supervision; DONE. Grant Awarded to Sam Houston State University, preliminary work in course design and development underway.

Goal: To promote webinar platforms for Nation Enforcement Initiatives; Done. Multiple Webinars have featured each topical area: Preventing Animal Waste from Contaminating Surface Waters; Cutting Toxic Air Pollution that Affects Communities' Health; Reducing Widespread Air Pollution from the Largest Sources, Coal-Utility, Cement, Glass & Acid Sectors; Reducing Pollution from Mineral Processing Operations; Controlling Raw Sewage and Contaminated Water.

Goal: To support other OC offices to implement training, including inspectors, new targeting tools national priorities regulation development strategies; Done; personally created an inspector email list of 2,900 members, regular broadcasts to inspectors; presented Evidence Lecture at Texas Pre-Treatment Workshop.

BUSINESS ACCUMEN

Goal: To implement eLMS by 2.1.2013; Done

Goal: To manage human resources to maximize training for federal, state, local and tribal audiences; DONE

Goal: To utilize cost effective e-Government technology by 9.30.2013 for webinars and training; DONE

Goal: To support other OC offices seeking to implement training, including inspectors and regulation development strategies; DONE

Goal: To regularly communicate and network with regional counsel and enforcement directors as part of the national Training Plan; DONE; note regular email alerts and participation n monthly conference calls.

LEADING CHANGE

Goal: To effectively implement key national and OECA program goals, including Next Generation Principles, through cost effective and efficient delivery of training; DONE

Goal: To seek to maximize coalitions and communications with external and internal constituents; DONE, Many states and tribes participate in training via webinars. Law clerks have been recruited for The Office of Children's Health Protection; Environmental Appeals Board, Office of Water, Office of Administrative Law Judges; Office of Chemical Safety & Pollution Prevention, OARM Suspension & Debarment Office.

Goal: To assist in training for state partners; DONE (via webinars and live training, including District of Columbia Department of the Environment.)

Goal: To provide web-based and webinar platforms for National Enforcement Initiatives, including Environmental Justice; DONE Four separate webinars on Environmental Justice were accomplished.

LEADING PEOPLE

Goal: To institute and model positive leadership skills for NETI employees; DONE (*See below)

Goal: To implement metrics for changing the outlook and work culture for NETI staff and mentors who work with students; DONE; exit interviews and meetings with mentors help to assess success of program.

Goal: To organize two division retreats; DONE

Goal: To assist OC personnel in training state inspectors: DONE, via webinar and classroom training.

Goal: To provide web-based platforms for National enforcement Initiatives: DONE

Goal: To demonstrate tangible personal commitment to equal opportunity; DONE

Executive Development Plan: Goals & Metrics

Goal: To become less “invisible” in OECA and EPA. Activity: To obtain an appointment to an Office-wide or Agency-wide workgroup. Not accomplished.

Goal: To be recognizing as a knowledgeable expert on administrative law enforcement, negotiations and FIFRA, RCRA, TSCA, CWA and EPCRA. Activity: to teach and mentor others. DONE; being appointed Adjunct Professor in three law schools, plus serving as a presenter in 24 webinars highlights the body of knowledge and institutional memory I possess.

Goal: To be recognized as leading the OECA effort to promote EEO and Diversity in the workplace. Activity: To be used as an in-house expert on recruitment. Not accomplished, except for my own program.

Goal: To be recognized for fostering a high performing organization: Activity to obtain training and document metrics for efficient training delivery. On-going.

Goal: To participate, as a co-lead, I an intergovernmental administer law enforcement clearing house to identify strategies for improve litigation skills. Activity: On- going; co lead with HHS attorney.

(*) “Model Behavior” as a Public Lawyer and SES Leader; Personal IDP

In addition to trying to model and enhance my management and listening skills for the permanent NETI staff, I successfully mentored and led over 200 law clerks and college interns during their service at EPA, resolving conflicts, and helping them to grow and develop in the professional work environment. I invested time, interest and understanding into the NETI staff, by providing day to day and longer term direction and guidance. I also sought to set a positive, public role model example for NETI staff and the interns as to what a “public lawyer,” and member of the Senior Executive Serve means to EPA and society at large, balancing work, one’s personal life and a commitment to public service. To that end I:

- Served as OECA’s Special Emphasis Program Manger for Persons with Disabilities, hiring 13 PWD students.
- Developed and presented two sermons on “Civility & Bullying” at Mt. Vernon Unitarian Church and Davies Memorial Unitarian Church, July and August 2013.
- Hosted the EPA Gay & Lesbian Pride Luncheon

- Developed and gave the Martin Luther King Service at Mt. Vernon Unitarian Church in January 2013, plus 3 Charles Hamilton Houston lectures for the interns.
- Developed and taught Federal Commercial Chemical Regulation at the University of Toledo (October 2012) and University of Maryland College of Law, (Fall 2012) as Adjunct Professor
- Developed and taught "Natural Resource Law" and taught it at William & Mary College of Law (Spring 2013)
- Mentored and coached a law student doing an independent legal writing project, arranging for him to meet and perform a portion of the opera he is creating about U.S. Supreme Court Justices Ginsburg and Scalia for the Justices at the Supreme Court. I successfully negotiated with NPR to broadcast a portion the performance, which was recorded on the last day of the spring term, Google "NPR Scalia/Ginsburg Opera."
- Appeared in a lead vocal role in Man of La Mancha, to which over 50 OECA interns attended and then came to my home for a reception. Others saw me in the ballets: the Nutcracker and Cinderella.
- Organized a weekly "Waffle Shop" drawing for interns, paying for lunches from my own funds.
- Served as an overnight 'chaperone' at a Hypothermia Homeless Shelter during the 2012-2013 winter.